

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X
:
HERMELINDO ESCOBAR MONTIEL, :
: 17 Civ. 5550 (PAE)
Plaintiff, :
: ORDER
: 17 Civ. 5550 (PAE)
-v- :
:
SHAMROCK SALOON II LLC, d/b/a Calico Jacks :
Cantina, SHAMROCK SALOON I LLC, d/b/a :
McFadden's, and JOHN SULLIVAN, :
:
Defendants. :
X

PAUL A. ENGELMAYER, District Judge:

The Court has received the parties' proposed joint pretrial order indicating that this case is to be tried before a jury. Dkt. 123. Jury trials in this District will continue to be centrally scheduled during the second quarter of 2022, consistent with the District's Covid-era protocols. The deadline for the Court to submit forms seeking assignment of trial dates for trial-ready cases, such as this one, is fast approaching. The Court is very hopeful to try this case in Q2 2022.

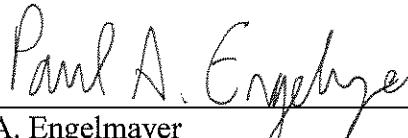
Counsel shall promptly confer and submit—by **Friday, February 11, 2022**—a letter a joint letter (1) setting out a realistic estimate of the length of a jury trial in this case, and (2) identifying all dates when counsel are **unavailable** to try the case. Please note that trial dates are hard to come by, and that criminal cases take priority over civil ones. Counsel who are broadly available are more likely to be assigned a trial date than those who supply only limited availability. The Court therefore strongly encourages counsel to be flexible in assessing their availability. The parties will be notified as soon as a jury trial date is assigned to this case.

Counsel are further reminded that individual judges retain flexibility in scheduling bench trials. Counsel may wish to confer to determine whether all parties to this case are prepared to

consent to a bench trial. If all parties are prepared to so consent, please notify the Court, and chambers will work with counsel to identify trial dates convenient for all concerned. If the parties do not so consent, they shall, in advance of the final pretrial telephonic conference scheduled below, file proposed *voir dire* questions, jury instructions, and verdict forms, as well as the parties' corresponding objections thereto, no later than **March 11, 2022**.

The Court schedules a final pretrial telephonic conference for **April 8, 2022 at 4 p.m.** The parties should call into the Court's dedicated conference line at (888) 363-4749, and enter Access Code 468-4906, followed by the pound (#) key. **Counsel are directed to review the Court's Emergency Individual Rules and Practices in Light of COVID-19**, found at <https://nysd.uscourts.gov/hon-paul-engelmayer>, for the Court's procedures for telephonic conferences and for instructions for communicating with chambers.

SO ORDERED.



Paul A. Engelmayer
United States District Judge

Dated: February 9, 2022
New York, New York